

ASSEMBLY BILL

No. 2814

Introduced by Assembly Member Simitian

February 20, 2004

An act to add Sections 21080.15 and 21084.5 to the Public Resources Code, relating to natural resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 2814, as introduced, Simitian. Natural resources: California Environmental Quality Act.

(1) The existing California Environmental Quality Act (CEQA) requires a lead agency to prepare, or cause to be prepared, and to certify the completion of, an environmental impact report on a project, as defined, that it proposes to carry out or approve that may have a significant effect on the environment, as defined, or to adopt a negative declaration if it finds that the project will not have that effect. CEQA also generally requires a lead agency to prepare a mitigated negative declaration for a project that may have a significant effect on the environment if revisions in the project would avoid or mitigate that effect and there is no substantial evidence that the project, as revised, would have a significant effect on the environment. CEQA provides some exemptions from its requirements for specified projects.

This bill would exempt from CEQA an action taken by a state or local government, if the primary, bona fide objective of the action is to maintain, restore, enhance, protect, or conserve coastal or marine resources in a marine life reserve, marine protected area, or marine managed area, as specified, and any potential adverse environmental effect of that action is expected to be offset by the action's intended beneficial environmental effect. Unless a project is exempt from CEQA

under this provision, the bill would require a lead agency to prepare, or cause to be prepared by contract, and certify the completion of, an environmental impact report, or, if appropriate, a modification, addendum, or supplement to an existing environmental impact report, for a project that may adversely affect the coastal or marine resources in one of those reserves or areas. By imposing new duties on a lead agency, the bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 21080.15 is added to the Public
2 Resources Code, to read:

3 21080.15. This division does not apply to an action taken by
4 a state or local agency, if the primary, bona fide objective of the
5 action is to maintain, restore, enhance, protect, or conserve coastal
6 or marine resources in a marine life reserve designated pursuant to
7 Chapter 10.5 (commencing with Section 2850) of Division 3 of the
8 Fish and Game Code, or a marine protected area or marine
9 managed area, designated pursuant to Chapter 7 (commencing
10 with Section 36600) of Division 27, and any potential adverse
11 environmental effect of that action is expected to be offset by the
12 action's intended beneficial environmental effect.

13 SEC. 2. Section 21084.5 is added to the Public Resources
14 Code, to read:

15 21084.5. Notwithstanding Section 21080.5 or 21084, a lead
16 agency shall prepare, or cause to be prepared by contract, and
17 certify the completion of, an environmental impact report, or, if



1 appropriate, a modification, addendum, or supplement to an
2 existing environmental impact report, for a project that may
3 adversely affect the coastal or marine resources in a marine life
4 reserve designated pursuant to Chapter 10.5 (commencing with
5 Section 2850) of Division 3 of the Fish and Game Code, or a
6 marine protected area or marine managed area designated
7 pursuant to Chapter 7 (commencing with Section 36600) of
8 Division 27, unless that project is exempt from this division
9 pursuant to Section 21080.15.

10 SEC. 3. Notwithstanding Section 17610 of the Government
11 Code, if the Commission on State Mandates determines that this
12 act contains costs mandated by the state, reimbursement to local
13 agencies and school districts for those costs shall be made pursuant
14 to Part 7 (commencing with Section 17500) of Division 4 of Title
15 2 of the Government Code. If the statewide cost of the claim for
16 reimbursement does not exceed one million dollars (\$1,000,000),
17 reimbursement shall be made from the State Mandates Claims
18 Fund.

